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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,960	02/16/2001	Yilin Zhao	CS90038	2853

7590 10/05/2005

Motorola, Inc.
Intellectual Property Dept. (RKB)
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EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,960

Applicant(s)

ZHAO ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 11-15, 19-24 and 29-31 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 25-28 is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kingdom et al. in view of Chen et al..

Regarding claims 16 and 17, Kingdom et al. discloses a GPS ephemeris data issue identifier (identity of satellites, clock correction and differential correction) for transmission to a GPS enabled mobile station (MS) in a cellular communications network (paragraph 0023 line 1 through paragraph 0026 line 7). Kingdom et al. differs from claims 16 and 17 of the present invention in that it does not explicit disclose a first field with satellite identifier data; and a second field with an ephemeris sequence number, the first field is at least 5 bits, the second field is at least 3 bits. Chen et al. teaches a first field (sub-frame 42-5) with satellite identifier (ID) data (fig. 1a and col. 6 lines 41-40); a second field (sub-frame 42-1) with an ephemeris

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sequence number (fig. 1a numbers 40-1 through 40-18) and each frame consist of 1500 bits. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kingdom et al. ephemeris data issue identifier with a first field containing a satellite identifier data; a second field with an ephemeris sequence number, and the first field is at least 5 bits, the second field is at least 3 bits in order to keep a record of ephemeris data corrections to be broadcast to multiple mobile station so that they could calculate their position, as taught by Chen et al..

Regarding claim 18, Kingdom et al. discloses a broadcast message (paragraph 0024 lines 1-7).

Allowable Subject Matter

3. Claims 1-10 and 25-28 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: Upon close review of the claims, the prior art of record and applicants remarks in the Amendment on page 10 line 19 through page 11 line 15, page 15 lines 6-21, page 19 line 9 through page 22 line 7 mailed June 3, 2004, it appears that the allowance of claims 1-10 and 25-28 is appropriate.

Response to Arguments

5. Applicant's arguments filed July 8, 2005 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

Regarding claims 16-18, applicants argument: "Kingdon and Chen is not a "...system ephemeris data issue identifier for transmission to a satellite positioning system enabled mobile station in a cellular network.

Explanation: Examiner agrees with applicant, however, Kingdom et al. discloses a GPS ephemeris data issue identifier (identity of satellites, clock correction and differential correction) for transmission to a GPS enabled mobile station (MS) in a cellular communications network (paragraph 0023 line 1 through paragraph 0026 line 7). Also, applicants "...system ephemeris data issue identifier for transmission to a satellite positioning system enabled mobile station in a cellular network is disclosed in the preamble. The examiner would like to address to the applicant that the preamble is not given examining weight when examining the claim as a whole.

Regarding claim 16, applicants argument: using an "ephemeris data issue identifier" to indicate when a mobile

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station needs to read and store corresponding ephemeris data...., is not disclosed or suggested by Kingdom or Chen.

Explanation: Examiner agrees with applicant, however, "using an "ephemeris data issue identifier" to indicate when a mobile station needs to read and store corresponding ephemeris data....," is not disclosed in claim 16.

Regarding claim 17, applicant argument " Kingdom and chen fail to disclose the ephemeris data identifier wherein.... the first field is at least 5 bits, the second field is at least 3 bits".

Explanation: Examiner respectfully disagrees, chen teaches each frame consist of 1500 bits, i.e. 3 bits and above to equal 1500 bits.

Regarding claim 18, applicant argument " Kingdom and chen fail to disclose a broadcast message.

Explanation: Examiner respectfully disagree, because Kingdom et al. discloses a broadcast message (paragraph 0024 lines 1-7).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
September 20, 2005

KEITH FERGUSON
PRIMARY EXAMINER

